

REMARKS

In the September 8, 2005 Office Action, claims 1-12, 15-24, 26, 27, and 30-41 stand rejected in view of prior art, while claims 8, 9, 13, and 14 are indicated as containing allowable subject matter. No other objections or rejections are made in the Office Action.

Status of Claims and Amendments

In response to the September 8, 2005 Office Action, Applicant has amended claims 1, 3, 5, 10, 15-17, 23, 24, 26, 34-35, and 41 and canceled claims 8 and 13. Applicant also wishes to thank the Examiner for the indication of allowable subject matter and the thorough examination of this application. Thus, claims 1-7, 9-12, 14-24, 26, 27, and 30-41 are pending, with claims 1, 3, 5, 10, 15-17, 23, 24, 26, 34, 35, and 41 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of the above amendments and the following comments.

Rejections - 35 U.S.C. § 103

In paragraph 3 of the Office Action, claims 1-7, 10-12, 15-24, 26, 27, and 30-41 stand rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 6,616,613 to Goodman (“Goodman patent”), in view of U.S. Patent No. 6,306,087 to Barnhill et al. (“Barnhill patent”). In response, Applicant has amended the claims as presented above.

Claims 1-4, 17-24, 26-27, and 30-41

Claims 1, 3, 17, 23, 24, 26, 34, 35, and 41 have been amended to recite that the measurement device includes *error detection means* for detecting an error during the measurement by the measurement means, and that the measurement means stops the obtainment of measurement data if the error detection means detects an error. This limitation is supported by Figures 3, 18, and the paragraph beginning on page 31 line 13 of the specification as originally filed. Applicant believes that the prior art of record fails to disclose or suggest this aspect of the claims.

Regarding the Goodman patent, although the Office Action asserts that the processor means 14 corresponds to the measurement means, the Goodman patent does not disclose or suggest any error detection means. Furthermore, there is no disclosure or suggestion in the Goodman patent that the processor means 14 stops generating the measurement data when an error is detected during the measurement. Thus, Applicant believes that the Goodman patent does not disclose or suggest the arrangement of claims 1, 3, 17, 23, 24, 26, 34, 35, 41 as now amended.

Regarding the Barnhill patent, it has been cited in the Office Action to show the conversion of measurement data into analytical data. Again, there is no disclosure or suggestion in the Barnhill patent that the collection of data is stopped when an error is detected during the data collection. Therefore, the Barnhill patent cannot cure the deficiency of the Goodman patent.

In view of the above comment, Applicant believes that claims 1, 3, 17, 23, 24, 26, 34, 35, 41 as now amended are allowable over the prior art of record. Furthermore, Applicant believes that dependent claims 2, 4, 18-22, 27, 30-33, and 36-40 are also allowable over the prior art of record, because they depend from claims 1, 3, 17, 26, and 34-35, and are therefore narrower.

Therefore, Applicant believes that claims 1-4, 17-24, 26-27, and 30-41 are in condition for allowance. Applicant respectfully requests withdrawal of the rejections.

Claims 5-7, 10-12, and 15-16

Claims 5, 10, and 15-16 have been amended to incorporate all of the limitation of claims 8 and 13. Since claims 8 and 13 are indicated as containing allowable subject matter, Applicant believes that claims 5, 10, and 15-16, as well as their dependent claims 6-7 and 11-12, are now allowable over the prior art of record.

Allowable Subject Matter

In paragraph 4 of the Office Action, claims 8, 9, 13, 14 are indicated as containing allowable subject matter. Applicant wishes to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. As discussed above, the limitations of claims 8 and 13 have been incorporated into claims 5 and 10, and claims 8 and 13 have been canceled. Thus, Applicant believes that claims 5 and 10 are now allowable over the prior art. Furthermore, claims 9 and 14 continue to depend from claims 5 and 10. Thus, Applicant believes that, since claims 5 and 10 are believed to be allowable, claim 9 and 14 also remain in condition for allowance.

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In view of the foregoing comments, Applicant respectfully asserts that claims 1-7, 9-12, 14-24, 26, 27, and 30-41 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

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